

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2001-486-S - ORDER NO. 2001-1123
DECEMBER 18, 2001

IN RE:	Application of Midlands Utility, Inc. for)	ORDER APPROVING
	Approval of an Extension of Service Area to)	APPLICATION FOR
	Provide Wastewater Service to a Hess Station)	EXTENSION OF
	at the Intersection of Methodist Park Road)	SERVICE AREA
	and Augusta Road.)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Application of Midlands Utility, Inc. ("Midlands" or the "Company") for Commission approval of an extension of service area to include a parcel of property located at the intersection of Methodist Park Road and Augusta Road (US HWY No. 1) in Lexington County, South Carolina. The subject parcel of property is the site of a new convenience store being built by Amerada Hess Corporation.

Amerada Hess Corporation has requested that Midlands provide service to the subject site. The site is located across the road from property served by Midlands in Midlands' service territory. By its request to extend its service area to include the site of the proposed convenience store of Amerada Hess Corporation, Midlands requests that the Commission waive notice and hearing requirements.

26 S.C. Code Regs. 103-504 (Supp. 2000) provides that "no existing public utility supplying sewerage disposal to the public ... shall hereafter sell, acquire, transfer, begin the construction or operation of any utility system, or any extension thereof, ... without

first obtaining from the Commission a certificate that the sale, transfer, or acquisition is in the public interest, or that public convenience and necessity require or will require construction or operation of any utility system, or extension.” Although 26 S.C. Code Regs. 103-504 (Supp. 2000) also provides for notice and due hearing, 26 S.C. Code Regs. 103-501(3) (1976) provides that “in any case where compliance with any of these rules and regulations introduces unusual difficulty, such rules or regulations may be waived by the Commission upon a finding by the Commission that such waiver is in the public interest.” Where extensions to service territory have been sought by a utility due to a potential customer or customers seeking the service from the utility, this Commission notes that it has previously waived notice and hearing on such extensions as part of the public interest.

In the instant matter, Amerada Hess Corporation requested service from Midlands. The property to be served is located across the street from property which was made a part of Midlands service area and is currently served by Midlands. *See*, Order No. 2001-712, dated August 8, 2001, Docket No. 2001-337-S. Upon examining the request to extend Midlands’ service area to the site of the convenience store owned by Amerada Hess Corporation, the Commission finds waiver of the portions of 26 S.C. Code Regs. 103-504 (Supp. 2000) requiring notice and hearing to be in the public interest. The customer has requested service from Midlands and is the only customer impacted by the requested extension. Further, as the customer has initiated the request for service, the customer is aware of the provider and the rates of the utility, and the customer has

indicated a need for the service by its request. Accordingly, we find that the public convenience and necessity requires the extension of the system.

IT IS THEREFORE ORDERED THAT:

1. The request of Midlands to waive notice and hearing of Midlands' request for an extension of its service area to include that certain parcel of property located at the intersection of Methodist Park Road and Augusta Road (US HWY No. 1) in Lexington County, South Carolina, upon which a new convenience store is being built by Amerada Hess Corporation is granted upon the finding of this Commission that the requested waivers are in the public interest.

2. The Application of Midlands to extend its service area to include that certain parcel of property located at the intersection of Methodist Park Road and Augusta Road (US HWY No. 1) in Lexington County, South Carolina, upon which a new convenience store is being built by Amerada Hess Corporation is granted upon the finding of this Commission that the public convenience and necessity requires the extension of Midlands' system.

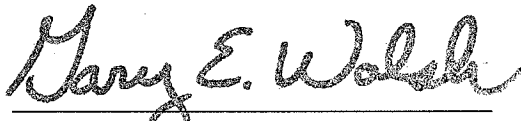
3. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Chairman

ATTEST:



Executive Director

(SEAL)